

4. (Amended) A tool for the removal of weeds and/or debris from grates, anchors, propellers, motors and platforms attached or a part of aquatic vehicles comprising:

- a) a bow shaped cylindrical solid rod having a hand grip end and an arc of curvature;
- b) cross-hatched ridges at the hand grip end of the rod; and
- c) two tines connected by a brace bar protruding from the other end of the rod, said tined section including a plurality of tines, wherein the tines project substantially out from the rod in a plane substantially containing the arc of curvature of the tool.

REMARKS

In the Office Action dated September 24, 2002, claim 4 was rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. Claims 1-3 were rejected under 35 USC 102(b) as being anticipated by Lisowski (US 5,937,473). Claims 4-6 were rejected under 35 USC 103(a) as being unpatentable over Lisowski in view of Nunziato et al. (US 3,993,013). No new matter was added with this amendment. A marked-up copy of the amended claim is attached under the title "**Marked-up Copy of Amended Claims**".

35 USC 112

In the Office Action dated September 24, 2002, claim 4 was rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. The Office Action states that the limitation "the hand grip end of the rod" has insufficient antecedent basis. Applicant has amended claim 4 to provide antecedent basis.

35 USC 102

In the Office Action, claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by Lisowski (US 5,937,473). Claim 1 has been amended to claim the feature that the tines project substantially out from the rod in a plane substantially containing the arc of curvature of the tool. The finger-type rake head of Lisowski does not have this feature. In Lisowski the

rake head is oriented perpendicularly to the plane substantially containing the arc of curvature of the rod.

For this reason, Lisowski does not anticipate. Applicant respectfully requests that the anticipation rejection as to Lisowski of independent claim 1 and dependent claims 2-3 be withdrawn.

35 USC 103

Claims 4-6 were rejected under 35 USC 103(a) as being unpatentable over Lisowski (US 5,937,473) in view of Nunziato et al. (US 3, 993,013). Claim 4 has been amended to claim the feature that the tines project substantially out from the rod in a plane substantially containing the arc of curvature of the tool. The finger-type rake head of Lisowski does not have this feature. The Nunziato et al. patent fails to disclose or suggest this as well.

For this reason alone, claims 4-6 are patentable over both Lisowski and Nunziato et al. Applicant respectfully requests that the obviousness rejection as to Lisowski in view of Nunziato et al. of independent claim 4 and dependent claims 5-6 be withdrawn.

FORMALITIES

Pursuant to MPEP 608.02, Applicant requests that any objection to the drawings be held in abeyance pending allowable subject matter.

If an extension of time is required to make this response timely and no separate petition is enclosed, Applicant hereby petitions for an extension of time sufficient to make the response timely. In the event that this response requires the payment of government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

CONCLUSION

Applicant has carefully reviewed the prior art made of record and not relied upon. None of these references alone or in combination anticipate or make obvious the claims of the present invention.

In light of the above, withdrawal of the rejections is requested. Early notification that pending claims 1-6 are in condition for allowance is earnestly solicited.

Respectfully submitted,

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MARKED-UP COPY OF AMENDED CLAIMS

1. (Amended) A tool for the removal of weeds and/or debris from grates, anchors, propellers, motors and platforms attached or a part of aquatic vehicles comprising:
 - a) an elongated curved rod having an arc of curvature;
 - b) a multi ridged hand grip section at one end of the rod; and
 - c) a weed and/or debris removing tined section at the other end of the rod, said tined section including a plurality of tines, wherein the tines project substantially out from the rod in a plane substantially containing the arc of curvature of the tool.

4. (Amended) A tool for the removal of weeds and/or debris from grates, anchors, propellers, motors and platforms attached or a part of aquatic vehicles comprising:
 - a) a bow shaped cylindrical solid rod having a hand grip end and an arc of curvature;
 - b) cross-hatched ridges at the hand grip end of the rod; and
 - c) two tines connected by a brace bar protruding from the other end of the rod, said tined section including a plurality of tines, wherein the tines project substantially out from the rod in a plane substantially containing the arc of curvature of the tool.

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